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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,462	02/28/2002	Steven W. Trovinger	10015154	4989

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

HENDERSON, MARK T

ART UNIT PAPER NUMBER

3722

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,462

Applicant(s)

TROVINGER, STEVEN W.

Examiner

Mark T Henderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,10,12,14-16 and 20 is/are rejected.
- 7) ☒ Claim(s) 5-9,11,13,17-19 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703)872-9306. This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

Election/Restriction

1. After further consideration, the examiner has withdrawn the previous restriction requirement.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by St Denis (4,083,551).

St Denis discloses in Fig. 2 and 4, a pivotable collecting device comprising a supporting edge (14a) for supporting a fold of a folded sheet material; two oppositely-parallel supporting sides (14b and 14c); and a means (16) for pivoting the supporting edge (14a) about a first Y-axis to receive the folded sheet material such that each supporting side (14b and 14c) receives a different portion (S1 and S2) of the folded sheet material.

3. Claims 1-4, 14, 15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lehmann et al (5,810,345).

Lehmann et al discloses in Fig. 1-3, a pivotable collecting device and a method for transferring folded sheets comprising: a supporting edge (8) for supporting a fold (7) of a folded sheet material; two oppositely-parallel supporting sides (4a and 4b); and a means (5) for pivoting the supporting edge (14a) about a first Z-axis to receive the folded sheet material (6) such that

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each supporting side (4a and 4b) receives a different portion (9 and 10) of the folded sheet material; wherein the first Z-axis is parallel to a longitudinal axis (L1) of the supporting edge; pivoting the collecting device in a first direction (A) such that a side of the collecting device receives a portion of the sheet material, and wherein a receiving step includes pivoting in a second direction (B) to receive the other portion of the folded sheet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 10, 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinhenn (5,615, 871) in view of St. Denis (4,083,551).

Kleinhenn discloses in Fig. 5, a collecting device (22 and 190) and a method for transferring folded sheet material comprising: a supporting edge (22a); two parallel supporting sides (22b and 22c) opposing one another; a means in which to receive the folded sheet such that each supporting side (22b and 22c) receives a different portion (14a and 14b) of the sheet material;

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wherein the supporting sides converge at the supporting edge (22a); a means (190) for deflecting the folded sheet material onto at least one of the supporting sides; and a means for staple clinching (Col. 2, lines 55 and 56).

However Kleinhen does not disclose a means for pivoting the supporting edge and sides about a first axis to receive the folded sheet.

St Denis discloses in Fig. 2 and 4, a pivotable collecting device comprising a means (16) for pivoting the supporting edge (14a) about a first Y-axis to receive the folded sheet material such that each supporting side (14b and 14c) receives a different portion (S1 and S2) of the folded sheet material.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kleinhen's collecting device with a collecting device that pivots as taught by St. Denis for the purpose of allowing the collecting device to repeat its function of collecting booklets.

Allowable Subject Matter

5. Claims 5-9, 11, 13, 17-19 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Prior Art References

The prior art references listed in the attached PTO-892, but not used in a rejection of the claims, are cited for (their/its) structure. Trovinger, Trovinger ('061), Trovinger ('267), Trovinger ('644), Trovinger ('756), Trovinger ('705), Boss, Hartsoe, Muller, Hansch, Honnegger, Hartmann et al, Trovinger ('583), Lehmann et al, Mandel et al, Cruz et al, Horii et al, Boss et al, Cracknell, Stauber, Hansch (148), Honegger ('108), Moser, Moser ('141), Reist, Glanzmann, McCain et al, Honegger ('110), Trovinger et al ('304), Trovinger et al ('302), Schlough, Mowry et al, Auksi, Samuels, Hansch ('666), Hansch ('667), Hansch ('926), Honegger ('014), Honegger ('033), Meier, and Meier et al disclose similar pivotable collecting devices.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (703)305-0189. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, A. L. Wellington, can be reached on (703) 308-2159. The fax number for TC 3700 is (703)-872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 3700 receptionist whose telephone number is (703)308-1148.



MTH

January 10, 2004



Daniel W. Howell
Primary Examiner
Art Unit 3722